

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

CLOUD NETWORK TECHNOLOGY
USA INC.,

Plaintiff,

v.

RRK TRUCKING INC.,

Defendant.

No. 1:23-CV-028-H- BU

ORDER

The United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (FCR) that the Court grant the plaintiff's amended motion for default judgment and enter judgment for damages, pre-judgment interest, and post-judgment interest. Dkt. No. 45. No objections were filed, and the defendant has taken no action in this case since November 17, 2023. *See* Dkt. No. 36.

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The plaintiff's amended motion for default judgment (Dkt. No. 42) is granted. The plaintiff is awarded actual damages in the amount of \$3,094,311.78, pre-judgment interest,¹ and post-judgment interest. The Court will enter judgment in accordance with Federal Rule of Civil Procedure 58 in a separate document.

¹ In a diversity case, like this one, pre-judgment interest is calculated from the date and at the rate set by the Texas statute. *See Arete Partners, L.P. v. Gunnerman*, 643 F.3d 410, 412, 414–15 (5th Cir. 2011); Dkt. No. 1 at 2. Under Texas law, "[t]he prejudgment interest rate is equal to the

So ordered on April 12, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE

postjudgment interest rate applicable at the time of judgment.” Tex. Fin. Code Ann. § 304.103. The Texas post-judgment interest rate is “the prime rate as published by the Board of Governors of the Federal Reserve System on the date of computation.” *Id.* § 304.003(c)(1). On the date of this Order, that rate was 8.5% per annum. *Selected Interest Rates (Daily) – H.15*, Bd. of Governors of the Fed. Rsrv. Sys. (last visited Apr. 12, 2024), <https://perma.cc/DBC6-LR28>. Pre-judgment interest accrues “during the period beginning on the earlier of the 180th day after the date the defendant receives written notice of a claim or the date the suit is filed and ending on the day preceding the date judgment is rendered.” Tex. Fin. Code Ann. § 304.104. The plaintiff has indicated that pre-judgment interest should run from the date this suit was filed, February 1, 2023. *See* Dkt. No. 42-1 at 1; *see also* Dkt. No. 45 at 13.